

REMARKS/ARGUMENTS

Various claims are being amended as shown above. The claim amendments clarify the claim language and are not intended to limit the scope of the claims, unless the claim language is expressly quoted in the following remarks to distinguish over the cited art. No new matter is being added by virtue of the claim amendments.

In section I of the office action, claims 1-4 and 6-19 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Rowley, et al. (U.S. Patent Application Publication No. 20030009754). Applicants respectfully traverse the rejection.

Rowley is directed to a method of installing a supervisory process control software from a central server to a remote computer. In Rowley, before transmitting a software component of the supervisory process control software to the remote computer, a determination is made on whether the software component is already present at the remote computer. If the software component is not present at the remote computer, then the software component is conditionally transmitted from the central server to the remote computer (see Rowley, Abstract and 0011). In Rowley, the central server and the remote computer cooperatively determine the needed software components that are not currently present on the remote computer (see Rowley, 0143), based upon the following method: the central server transmits a list of software modules to the remote computer (Rowley, 0144), and the remote computer determines which ones of the transmitted list of software modules are not present in the remote computer (Rowley, 0145); the

remote computer then transmits a return message to the central server where the return message identifies which ones of the software modules are not present in the remote computer (Rowley, 0145); the central server then transmits the needed identified software modules to the remote computer (Rowley, 0145). As noted in Rowley, the remote computer determines which ones of the transmitted list of software modules are not present by checking a software module registry in the remote computer or by traversing the directory structure in the remote computer (Rowley, 0145). Therefore, in Rowley, a software module is deployed to the remote computer, in response to the needed software module identified by the return message sent from the remote computer to the central server. Additionally, in Rowley, a developer will designate the deployment model, and objects are deployed to the remote computers based on the designated deployment model (Rowley, 0046). Rowley does not specifically disclose nor suggest the step of deploying a data processing system upon receiving a command from a user, and Rowley instead discloses deploying a software module to a remote computer, in response to the return message and not based upon a command from a user.

Independent claim 1 distinguishes over Rowley at least by reciting, a method including "intelligently deploying said one or more data processing systems upon receiving a command from a user, wherein said intelligently deploying is based on said deployment information that was captured, and includes referencing said package of said deployment information that is stored in said memory," (emphasis

added) and such recited features are not disclosed or suggested by Rowley.

Accordingly, claim 1 is patentable over Rowley.

Claims 8 and 14 are each patentable over Rowley by reciting similar features.

Claims 2-4, 6-7, 9-13, and 15-19 depend from one of claims 1, 8, and 14, and are each patentable over Rowley for at least the same reasons that their base claim is patentable over Rowley. Furthermore, claims 2-4, 6-7, 9-13, and 15-19 each distinguishes over Rowley by reciting additional features.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §102.

In section II of the office action, claim 5 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rowley in view of "Official Notice". Applicants respectfully traverse the rejection.

The Examiner correctly admits in the office action that Rowley does not expressly indicate disk drive partitions, disk drive settings, etc. In an attempt to overcome the deficiency of Rowley, the Examiner relies on Official Notice to indicate that the above features are considered obvious and a matter of design choice. Applicants respectfully traverse these assertions in the Office Action, and in accordance with MPEP 2144.03, Applicants respectfully request the Examiner to cite a reference in support of these assertions and/or to submit an affidavit in support of these assertions.

Accordingly, claim is patentable over the Rowley-Official Notice combination, considered singly or in combination.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

In section III of the office action, claim 20 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rowley in view of Zoltan (U.S. Patent No. 6,529,917). Applicants respectfully traverse the rejection.

Claims 20 depend from claim 14 and are each patentable over the combination of Rowley and Zoltan for at least the same reasons that claim 14 is patentable over the cited references, considered singly or in combination. Furthermore, claim 20 distinguishes over the combination of Rowley and Zoltan by reciting additional features. Accordingly, claim 20 is patentable over the Rowley-Zoltan combination, considered singly or in combination.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

New claims are also being added which recite features that are not disclosed and not suggested by the cited references, considered singly or in combination.

For the above reasons, Applicants respectfully request allowance of all pending claims.

If the undersigned attorney has overlooked a teaching in the cited reference that is relevant to the allowability

of the claims, the Examiner is respectfully requested to specifically point out where such teachings may be found.



CONTACT INFORMATION

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (805) 681-5078.

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Respectfully submitted,
Ryan P. Fong, et al.

By: Arnold M. de Guzman
Attorney for Applicant(s)
Reg. No. 39,955
805.681.5078
805.681.5076 (FAX)

Please send correspondence to:
IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, CO 80527-2400

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Express Mail Mailing Number (optional):			